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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,099	12/12/2003	Jane Smith Parker	190250-1710	1596
38823 7590 10/01/2007 THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP/ AT&T BLS Intellectual Property, Inc. 100 GALLERIA PARKWAY SUITE 1750 ATLANTA, GA 30339			EXAMINER AL AUBAIDI, RASHA S	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 10/01/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/735,099

Applicant(s)

PARKER, JANE SMITH

Examiner

Rasha S. AL-Aubaidi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. This in response to amendment filed 07/09/2007. No claims have been added. No claims have been canceled. No claims have been amended. Claims 1-36 are still pending in this application.

***Claim Rejections - 35 USC § 102***

2. Claims is rejected under 35 U.S.C. 102(e) as being anticipated by Leamon (US PAT # 6, 970, 829).

Regarding claim 1, Leamon teaches a workforce planning system (col. 3, lines 3-7), the system comprising: logic configured to obtain from a communication switch (the switch is inherent), a first call-history statistic of a first period of time (col. 3, lines 5-8); logic configured to obtain from a call center, a first work-history statistic of the first period of time (see col. 3, lines 19-48 and col. 19, lines 11-34); logic configured to process at least one of the first call-history statistic and the first work-history statistic (see col. 21, lines 52-67); and logic configured to generate a performance report comprising a first past performance statistic (see col. 4, line 67 and col. 5, lines 1-3).

Claims 13 and 25 are rejected for the same reasons as discussed above with respect to claim 1.

Regarding claims 2, 14 and 26, Leamon teaches the first call-history statistic comprises a total number of calls routed by the communication switch to the call center over the first period of time (see col. 19, lines 26-34).

Regarding claims 3, 13 and 27, Leamon teaches the first call-history statistic comprises a total number of a first type of calls routed by the communication switch to the call center over the first period of time (see col. 19, lines 26-34).

Regarding claims 4, 16 and 28, Leamon teaches the first work-history statistic comprises an actual work time of the call center over the first period of time, and the first past performance statistic is a first workforce occupancy (this reads on the schedule of the day, see col.10, lines 64-67 and col. 11, lines 1-4).

Regarding claims 5, 17 and 29, Leamon teaches logic configured to provide a first work-planning input; logic configured to process the first work-planning input together with the first report; and logic configured to generate a forecast report comprising a first predictive workforce statistic (see col. 4, lines 49-67 and col. 5, lines 1-2).

Regarding claims 6, 18 and 30, Leamon teaches the first work-planning input comprises at least one of a first number of operators over a first forecast period, a

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change in call volume over the first forecast period, an attendance statistic of the first number of operators over the first forecast period, and a performance statistic of the first number of operators over the first forecast period (see 5, lines 61-67).

Regarding claims 7, 19 and 31, Leamon teaches the first predictive workforce statistic comprises at least one of an actual work time of a first number of operators over a first forecast period, an occupancy of the first number of operators over the first forecast period, and a forecast of a number of operators required for call handling during the first forecast period. See col. 4, lines 39-44 and col. 19, lines 35-40.

Claims 8, 10, 12, 20, 22, 24, 32, 34 and 36 are rejected for the same reasons as discussed above with respect to claims 1, 13 and 25 respectively.

Regarding claims 9, 21 and 33, Leamon teaches the first work-planning input comprises a first number of operators during a first forecast period and a second number of operators during a second forecast period (see col. 5, lines 31-52).

Regarding claims 10, 22 and 34, the performance report provides the work-planning input.

Regarding 11, 23 and 35, Leamon teaches the first work-planning input comprises a first number of operators having a first level of performance during a first

forecast period and a second level of performance during a second forecast period (see col. 5, lines 31-52).

### ***Response to Arguments***

3. Applicant's arguments have been fully considered but they are not persuasive.

It is noted that all Applicant's arguments are directed to the limitation of "logic configured to obtain from a communication switch, a first call history statistic...etc" as recited in independent claims 1, 13 and 25. Applicant argues (page 13 of the Remarks) "the call history statistics could be captured by call-center personal and entered into a database from which the call-history statistics could be obtained. Therefor, obtaining a call-history statistics from a communication switch is not inherent to the disclosure of Leamon". First of all, the Examiner cited the potion of col. 3, lines 5-8 which discloses allocating in a call center. In order to allocate calls, the calls should be captured first then assigned. Capturing calls it is a necessary step that is required in any calls center. Therefor, even if the reference does not specifically disclose this step, however, it is still a limitation that is absolutely inherent in the call center. Second, it is unclear whether Applicant's argument is derived from certain embodiment (s) in the Leamon reference itself or it is the Applicant's interpretation for the Leamon reference.

### ***Conclusion***

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4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (571) 272-7488.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Rasha S. Al-Aubaidi', with a stylized flourish at the end.

**RASHA S. AL-AUBAIDI**  
**PRIMARY EXAMINER**

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**09/20/2007**